

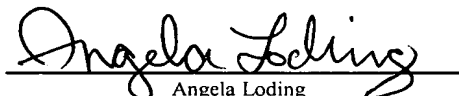


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mona B. Damaj et al.
Serial No.: 10/751,550
Date Filed: January 5, 2004
Group Art Unit: 1642
Examiner: Unknown
Title: ***Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots***

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service as Express Mail No. **EV351287703US** addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.


Angela Loding
2-1-05
Date

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicants respectfully request, pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98, that the references listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified application. Since the present Application was filed after June 30, 2003, a copy of any U.S. Patent and any U.S. Patent Application Publication cited on the attached PTO Form 1449 is not being submitted with this Information Disclosure Statement pursuant to the July 11, 2003 waiver of 37 C.F.R. §1.98(A)(2)(i) by the U.S. Patent and Trademark Office.

Furthermore, pursuant to 37 C.F.R. §§1.97(g) and (h), no representation is made that these references are material to the patentability of the present application.

Applicants believe no fees are due however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P. in order to effectuate this filing.

Respectfully submitted,

BAKER BOTTS L.L.P.
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Date: 2/1/05

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PTO-1449 Information Disclosure Citation in an Application		Application No. 10/751,550		Applicant(s) Mona B. Damaj et al.	
		Docket Number 017575.0775		Group Art Unit 1642	
		Filing Date January 5, 2004			

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 U.S. PATENT & TRADEMARK OFFICE

U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
A.	5712112	1/27/98	Yu et al.	435	69.1	11/22/94
B.	6359196	3/19/02	Lok et al.	800	278	9/23/99
C.	5510474	4/23/96	Quail et al.	536	24.1	4/25/94
D.	5641876	6/24/97	McElroy et al.	536	24.1	10/27/93
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FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
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NON-PATENT DOCUMENTS		
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
J.	Aldemita et al., <i>Agrobacterium Tumefaciens-Mediated Transformation of Japonica and Indica Rice Varieties</i> , Planta, Vol. 199, pp. 612-617	1996
K.	Altschul, et al., <i>Gapped BLAST and PSI-BLAST: a new generation of protein database search programs</i> , Nucleic Acids Research, Vol. 25, No. 17, pp. 3389-3942	1997
L.	Barton, et al., <i>Regeneration of Intact Tobacco Plants Containing Full Length Copies of Genetically Engineered T-DNA, and Transmission of T-DNA to R1 Progeny</i> , Cell, Vol. 32, 1033-1043	1983
M.	Chen, et al., <i>LABORATORY METHODS Supercoil Sequencing: A Fast and Simple Method for Sequencing Plasmid DNA</i> , DNA, Vol. 4, No. 2, pp. 165-170	1985
N.	Damaj, et al., <i>Functional Genomics in Sugarcane: Macro- and Microarray Analyses to Determine the Tissue-specific Expression of Candidate Genes</i> , Plant, Animal & Microbe Genome X Conference (abstract only)	1/2002
O.	Damaj, et al., <i>Isolation of Tissue Specific Promoters to Engineer Sugarcane for Improved Agronomic Traits</i> , Plant, Animal & Microbe Genome X Conference, (abstract only)	1/2001
P.	Hajdukiewicz, et al., <i>The small, versatile pXP family of Agrobacterium binary vectors for plant transformation</i> , Plant Molecular Biology 25, pp. 989-994	1994
Q.	Held, et al., <i>An mRNA Putatively Coding for an O-Methyltransferase Accumulates Preferentially in Maize Roots and Is Located Predominantly in the Region of the Endodermis</i> , Plant Physiol., 102, pp. 1001-1008	1993

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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	A.						
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NON-PATENT DOCUMENTS							
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	J.	Horsch, et al., <i>Inheritance of Functional Foreign Genes in Plants</i> , Science, Vol. 223, pp. 496-498					1984
	K.	Horsch, et al., <i>A simple and General Method for Transferring Genes into Plants</i> , Science, Vol. 227, pp. 1229-1231					1985
	L.	Huang, et al., <i>The tissue-specific activity of a rice beta-glucanase promoter (Gns9) is used to select rice transformants</i> , Plant Science, 161, pp. 589-595					2001
	M.	Ingelbrecht, et. al., <i>Posttranscriptional Gene Silencing in Transgenic Sugarcane. Dissection of Homology-Dependent Virus Resistance in a Monocot That Has a Complex Polyploid Genome</i> , Plant Physiology, Vol. 119, pp. 1187-1197					April, 1999
	N.	Irvine, et al., <i>The Development Of Genetic Transformation Of Sugarcane in Texas</i> , Sugar Journal, pp. 25-29					June, 1997
	O.	Ito, et al., <i>Xylem-specific expression of wound-inducible rice peroxidase genes in transgenic plants</i> , Plant Science, 155, pp. 85-100					2000
	P.	Jach, et al., <i>Enhanced quantitative resistance against fungal disease by combinatorial expression of different barley antifungal proteins in transgenic tobacco</i> , The Plant Journal 8(1), 97-109					1995
	Q.	Jefferson, et al., <i>GUS fusions: β-glucuronidase as a sensitive and versatile gene fusion marker in higher plants</i> , The EMBO Journal, Vol. 6 No. 13, pp. 3901-3907					1987
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NON-PATENT DOCUMENTS							
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	J.	Jensen, et al., <i>Transgenic barley expressing a protien-engineered, thermostable (1,3-1,4)-β-glucanase during germination</i> , Proc. Natl. Acad. Sci. USA, Vol. 93, pp. 3487-3491					April 1996
	K.	Klein, et al., <i>High-velocity microprojectiles for delivering nucleic acids into living cells</i> , Nature, Vol. 327, pp. 70-73					May 1987
	L.	Mikkonen, et al., <i>A major cysteine proteinase, EPB, in germinating barley seeds: structure of two intronless genes and regulation of expression</i> , Plant Molecular Biology, 31 , pp. 239-254					1996
	M.	Mitsuhara, et al., <i>Efficient Promoter Cassettes for Enhanced Expression of Foreign Genes in Dicotyledonous and Monocotyledonous Plants</i> , Plant Cell Physiol., 37 (1), pp. 49-59					1996
	N.	Muhitch, et al., <i>Isolation of a promoter sequence from the glutamine synthetase₁₋₂ gene capable of conferring tissue-specific gene expression in transgenic maize</i> , Plant Science, 163 , pp. 865-872					2002
	O.	Napoli, et al., <i>Introduction of a Chimeric Chalcone Synthase Gene into Petunia Results in Reversible Co-Suppression of Homologous Genes in trans</i> , The Plant Cell, Vol. 2, pp. 279-289					April 1990
	P.	Pearson, et al., <i>Improved tools for biological sequence comparison</i> , Proc. Natl. Acad. Sci USA, Vol. 85, pp. 2444-2448					April 1988
	Q.	Pearson, [5] <i>Rapid and Sensitive Sequence Comparison with FASTP and FASTA</i> , Methods in Enzymology, Vol. 183, pp. 63-98					1990
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NON-PATENT DOCUMENTS		
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
J.	Schenk, et al., <i>Promoters for pregenomic RNA of banana streak badnavirus are active for transgene expression in monocot and dicot plants</i> , Plant Molecular Biology, 47, pp. 399-412	2001
K.	van der Krol, et al., <i>Inhibition of flower pigmentation by antisense CHS genes: promoter and minimal sequence requirements for the antisense effect</i> , Plant Molecular Biology, 14, pp. 457-466	1990
L.	Wei, et al., <i>Comparative expression analysis of two sugarcane polyubiquitin promoters and flanking sequences in transgenic plants</i> , J. Plant Physiol. 160, pp. 1241-1251	2003
M.	Wei, et al., <i>Differential Expression of Sugarcane Polyubiquitin Genes and Isolation of Promoters from two Highly-Expressed Members of the Gene Family</i> , J. Plant Physiol. Vol. 155, pp. 513-519	1999
N.	Wolf, <i>Structure of the genes encoding Hordeum vulgare (1→3,1→4)-β-glucanase isoenzymes I and II and functional analysis of their promoters in barley aleurone protoplasts</i> , Mol Gen Genete, 234, pp. 33-42	1992
O.	Yin, et al., <i>Promoter elements required for phloem-specific gene expression from the RTBV promoter in rice</i> , The Plant Journal, 12(5), pp. 1179-1188	1997
P.	Zambryski, et al., <i>Ti plasmid vector for the introduction of DNA into plant cells without alteration of their normal regeneration capacity</i> , The EMBO Journal, Vol. 2, No. 12, pp. 2143-2150	1983
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